

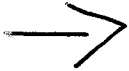
ACHC 10/9/09

11/16/09

(11)

more definition with specific examples and estimated costs e.g. geothermal energy. Would LEED compliance create approval and construction delays and red tape that might be a disincentive for developers? Should we try a lesser standard such as zero net energy?

It was suggested that Bob talk to Michael or Matt Rosenfeld at OMR Architects in West Acton Center since they do a lot of this work. They could give examples and costs. The potential for the Housing Authority to use these funds on Sachem Way or the 99 Parker St. development could be used as examples. The bottom line is the CPC will need more definition as to cost and uses for them to support the proposal.



Lillian Rd 40B, revised proposal

Nancy introduced the agenda item explaining to the new ACHC members and the audience how the MassHousing application process is different from the DHCD LIP process (Friendly 40B), preferred by ACHC. This project was originally a DHCD LIP project that ACHC recommended to the Selectmen in 2006 but the Selectmen did not sign the application due concerns about drainage and the location being too far out of town. The project is now back with the density doubled, no longer a LIP project, leaving the ACHC without leverage to make design and density revisions.

With a MassHousing project, the developer files an application directly with the MassHousing Finance Agency without any requirements to consult with ACHC or Town departments in advance. Once the application is filed, the agency is required to contact the Board of Selectmen which then triggers a 30 day review period by the agency including a site visit and a soliciting of comments from the Town. The Selectmen are contacted to submit comments, this step is very important and is the only time the Town (the Selectmen) has a chance to express concerns. Comments from other Boards should be requested by the Selectmen. The ACHC is not contacted directly by MHFA. Once the agency approves the project, it can then be filed with the ZBA and the Selectmen and Town Boards will be given a chance to make comments to the ZBA but that is much too late in the process if there are serious concerns.

Presentation of Plans:

Nick Facendola of Level Design presented the revised plans for Lillian Rd. that we had last seen in May in a smaller scope design. Nick explained that after discussions with MHFA, the approving state housing agency, the project has been increased from 2 units to 4 units on one acre. He stated that MHFA wants to see as many affordable units as possible in any given 40B and since they are the financing agency, this change was made. The developers want to maximize the development of the site, they want single family houses with a shared septic system, the septic capacity will limit the number of units. He showed us the layout which lines up the houses around the leaching field putting them as close as 15 feet from each other. Members were very surprised to hear that the developer has already filed the application with MHFA with the increased density. They have not yet had a response from MHFA. *(Update: According to a phone conversation on 10/15/09 with the Town Planner, MHFA has confirmed the application has not yet been filed.)*

Committee members had many concerns and questions:

1. Septic System. Shared septic systems are generally not looked on favorably by the Board of Health or DEP and there is only 1 other system in Acton. The septic design has been submitted to the BOH and is under review. A shared system does not require a condo association but rather a homeowners association which is not as strong. There is no super lien with a homeowners association and it can be much more difficult to control individual usage of the system and share the cost of pumping etc. The perc rate seems to be within the norm but it will have a mounded system as many systems on Lillian Rd. are mounded, some dramatically so. This system will have a single tank that collects effluent by gravity and then feeds it to a pump chamber for pumping up into the large mound.

2. Stormwater drainage. There is a major concern in the neighborhood about run off, the neighborhood is built on a drumlin and all water flows down hill to this site. No storm water drainage system is proposed, there will be roof drains for the four houses but not clear where they will direct the water.

3. A significant concern is with the existing house on the other end of the parcel. The plan is to divide it into a separate lot but it will be less than zoning allows (1 acre) for a house lot in this area and you are not allowed to create a non-conforming lot. (*This has been confirmed with the planning department*). The engineer stated they would use a 40B to create the new lot but Nancy pointed out then they would have to provide 25% of the units (one) as affordable that 40B did not exist to allow non-conforming lots to be created without an affordable housing component. The fear of the neighbors is the ultimate plan is to build 6-8 units on the entire site. The only way the existing house could stand alone would be as part of the whole 40B project making it a 5 unit development, in which case two units would have to be affordable as is the case with the Parker St. 40B.

4. Other committee concerns dealt with the tight turns into the garages, the limited parking on site, the high pressure gas line that is nearby, and emergency vehicle access in the cul de sac if people are parking there.

Abutter concerns:

1. Concern about runoff and groundwater on the abutting property on the uphill side that is already an existing problem. Concern that there is no drainage plan for an area with significant problems. The most significant concern is about how many units would ultimately be built on the site, that 6-8 units had been suggested previously by the developer.

2. An abutter on the Bulette Rd. side has similar run off issues with water flowing right through her property and also the Town Conservation Land entrance. She has drains all around her house and still has water problems. While she is not abutting the Lillian Rd. side, it is an example of the serious water problems.

3. An abutter expressed concern about parking in the cul de sac, that a school bus just barely makes the turn now and in the winter, it is very difficult to maneuver. Any cars parked there would result in blocking the bus or any emergency vehicles. The main driveway into the site goes within feet of another abutter's stone wall. The site would require Littleton water hook up and there are no hydrants on the plan.

4. Driveway on privately owned property. An abutter was concerned that one of the entry points for the driveway onto Lillian Rd. was on his property and there was no easement for that use. The engineer acknowledged that they could not find the easement and would have to reroute the driveway to loop within the site if it could not be worked out

Response from Facendola:

1. There is parking for 2 cars per unit, one in the garage and one in the driveway, overflow parking would go in the cul de sac, it is a public road.

2. MHFA will not allow more houses to be built than have been applied for. If the separate lot cannot be created, then the whole project will be a 40B.

3. They do not think a drainage plan is needed but they will look at it.

ACHC discussion:

Committee members are very disappointed to have the plan change from 2 to 4 units. The houses are 2400 sf and to have them so close together is not a good design and inconsistent with the neighborhood.

The original LIP project provided two single family homes on one acre, consistent with the existing homes on the street. The committee acknowledges the neighborhood's fear that the intent may be to build 6-8 units especially if MassHousing Finance Agency is pushing that density.

This is exactly the unintended consequences that ACHC has been warning about. Hostility toward affordable housing by elected and appointed officials in the community discourages developers from doing LIP's and pushes them to MassHousing where the Town has no leverage over density and design. This project was not even shown to ACHC at this density until this meeting, the plan is ready for filing.

The Committee directed the chair to communicate its displeasure to the BOS, telling them they should attempt to put a stop to this project by contacting MassHousing. We do not recommend this project in its current design and density. MHFA is required to contact the Town once the project is filed. ACHC also wants the BOS to know the neighborhood would like to be kept informed about the Town's activity with this project. ACHC has no standing, it is the Selectmen's responsibility. This reference is from the 40B regulations:

*(3) Review and Comment Process. **Upon receipt of the application, the Subsidizing Agency shall provide written notice to the Chief Executive Officer of the municipality where the Project is located, initiating a 30-day review period of the Project.** During the course of the review period the Subsidizing Agency shall conduct a site visit, which Local Boards may attend, and it shall accept written comments from Local Boards and other interested parties. The Subsidizing Agency shall consider any such comments prior to issuing a determination of Project Eligibility. No determination of Project Eligibility shall be issued for a Project before the end of the 30-day review period.*

Meeting adjourned at 8:45PM

Respectfully submitted,

Nancy Tavernier

Peter was concerned about the shed use by Mr. Chen; it needs to be resolved who owns the shed. Garry is suggesting it be demolished and needs recommendation on what is to be done. The shed is used for storage space for the shop. They need the shed for storage and would like to continue to use it. Peter suggested we lease to Mr. Chen the shed for \$1.00 per year. It was noted that we do not set a precedent in this case. Dore' agreed it is to be referred to Counsel to work out as this is not part of the site plan. Dore' noted the survey and actions to clean up the deed error should be handled. Andy noted that we work with the applicant to address these issues. There is enough land to accommodate the sewer station maintenance area and the shed. LAUREN ROSENZWEIG – Moved to take under advisement. ANDREW MAGEE, second. UNANIMOUS VOTE.

ENTERTAINMENT LICENSE, 124 MAIN STREET, FRANK CHEN – Mr. Chen talked about creating an environment for music; students could play on weekends under the tree. The Board noted Garry Rhodes comments and suggested that they get one day license each time in order not to violate the zoning bylaw. Peter and Dore' thought this was a good idea. Dore' suggested he contact Garry and the Police Chief. It was noted that his \$50.00 fee be returned as the Town does not charge for one day entertainment permits.

→ **COMPREHENSIVE PERMIT (40B) LIP, 19 BULETTE ROAD, JOSEPH PITTORINO** – Atty. Sheryl Gould gave an overview of the proposal of dividing the existing lot into two and the two proposed units will share a septic system. Mr. Pittorino owns the property with the house on it already as well as the land to site the new homes. One of the units will become an affordable lottery home, and will pay 1/3 of the septic system maintenance and the Market price unit will be paying 2/3 on the septic. She noted that it is quite wooded on the property. Lillian Road homes are mostly ranches and small capes and there are nine families living on Lillian. They propose two split entry design, they moved toward a ranch style. They want to have a build out of 120 days and this proposal also incorporates Smart Growth. The homes will be at the end of the Lillian Cul-de-sac.

The Town of Littleton will provide the water and a hydrant. Drainage is a primary concern. It is the opinion of the engineer that there will be no run off, it will be controlled on site, and will not add any further water concerns.

They have not had other comments except that they address the possible run off and snow containment/storage.

Lauren questioned the septic system. It is a higher quality installation. She asked about taking down of trees on the site, with Route 2 and noise concerns. None of the forested area will be cut down. The proposed drive way will run over the utility easement. She asked if this has been before the Planning Board. Attorney Gould noted she spoke with Roland and he said he reviewed the project and had no questions or concerns.

Andy too liked the unit plan and he visited the site and he felt they could be worked out.

Dore' noted the ACHC letter talking about drainage; this could be mitigated by the developer to some extent. The engineer explained the drainage issues on the other side of the cul-de-sac that experiences run off down a Lillian Road resident's driveway. This is not part of the projects scope. They do have a pond to control the runoff and they will put a vegetated swale and could tie in to their drainage and eliminate some of the Bulette Road water issues. The Board suggested they widen the swale.

Peter noted some issues that needed to be resolved until he could approve and he had questions about the affordable housing issue. He also asked about the septic issue of shared system. The Board of Health wanted them to share the 6 bedroom system. He also noted the pro forma spread sheet. The existing home is \$745,000. Sherry Gould feels that they will need an updated appraisal to reflect the market. Nancy Tavernier noted the policy has been worked on for the past two years. ACHC stands on its memo and recommendation, the redeeming policy is the one family home that makes it special.

Mrs. Lee 12 Lillian Road noted that they have drainage problems in that area already. She spoke about the trees to be removed. She was concerned about the development

Rick Gentilman, 5 Lillian spoke about the subdivided lot and estimate will leave ½ for two houses. They also looked at the application and noted inconsistency for Smart Growth; he noted that they only had two or three items applicable under Smart Growth.

Eleanor Gentilman, 5 Lillian spoke about affordable housing and their issues with the site.

Christine, 22 Bulette and spoke about the drainage and the driveway and asked if this was going to make things better.

David Lee 12 Lillian Road – Questioned the house already constructed.

Charles Davis, Bulette Road – He feels it gives a family the ability to down size; they will have to build a drainage area. Mr. Davis feels these homes are in the wrong location.

The Board will be asked to sign a letter of support for the applicant. Peter is not prepared to act tonight and would like to see more of the Pro forma. He would like to continue to work with the developer.

Dore' felt the same way as Peter; he was concerned about the water problem.

Andy spoke about friendly vs. unfriendly 40B LIP. He feels the drainage is very solvable. It needs to be made friendly and gain some support of the neighbors.

Lauren noted that this project was prepared before the Comprehensive Policy was approved.

SITE PLAN 02/19/03-388, POWDER MILL ROAD, AUTOPLEX REALTY - Andy spoke about the site plan Orders of Conditions that have a different layout that is before us now. He noted the concept of the fence and trying to come to a place for the applicant go forward with his vision and retain green space. The applicant has changed the fence location and has also put pavement areas and gravel walk ways. A bond of \$5,000 could be put in place.

Nylen, Attorney for Mr. Bertolami agreed to Andy's comments and if they are unable to change the location with DEP and Cons Com it will have to relocate to the original location. An occupancy permit needs to be obtained before site usage. They would prefer to have a bond on condition four (3). They have no problem with how it has been written. Peter asked about the cost to comply with 2 or 3. In the event Cons Com denial, it will cost several thousand to move the fence and gravel.

Lauren asked John about cash bond vs. cash, ease of recovery is the issue. We do like cash and will keep the passbook and urged that the Board ask for cash, but allow all interest and income on it to go to Mr. Bertolomi. They restrict the account so that John is the only one who can withdrawal funds.